

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY _____ D.C.

05 MAY -9 PM 2:26

ROBERT R. DI TROLIO
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DAVID BILES,

Plaintiff,

VS.

QUENTON WHITE, et al.,

Defendants.

No. 1-04-1169-T-An

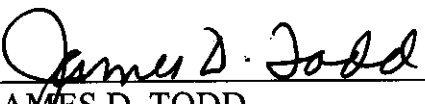
ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff David Biles, an inmate at the Northeast Correctional Complex ("NECX"), brought this action, *pro se*, pursuant to 42 U.S.C. § 1983. Before the court is Plaintiff's motion for appointment of counsel. Plaintiff argues that counsel is necessary because he is not familiar with the law or rules of court.

A district court has broad discretion to request an attorney to represent a person unable to employ counsel. 28 U.S.C. § 1915(e)(1). See Maclin v. Freake, 650 F.2d 885, 886 (7th Cir. 1981); Moss v. Thomas, 299 F.2d 729, 730 (6th Cir. 1962); Turner v. Steward, 497 F. Supp. 557 (E.D. Ky. 1980). "[I]t is well settled that in civil actions the appointment of counsel should be allowed only in exceptional cases." Willett v. Wells, 469 F. Supp. 748, 751 (E.D. Tenn. 1977), *aff'd*, 595 F.2d 1227 (6th Cir. 1979) (quoting United States ex rel. Gardner v. Madden, 352 F.2d 792, 794 (9th Cir. 1965)). The court has considered the merits

of the claim, the factual issues raised in the claim, and the complexity of the legal issues raised in the complaint. The court finds no exceptional circumstances that warrant appointment of counsel in this case. Accordingly, the motion of Plaintiff David Bilkes for appointment of counsel is DENIED.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 23 in case 1:04-CV-01169 was distributed by fax, mail, or direct printing on May 10, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT